

REMARKS

Claims 11–59 are the claims of record of the application. Claims 11–59 have been rejected.

In paragraph 3 of the Office Action, claims 11–59 have been rejected under 35 USC 102(e) as anticipated by Muller et al. (U.S. Patent 6,483,804).

The reference date for U.S. Patent 6,483,804 is 1 March 1999. The independent claims of the present invention were reduced to practice prior to this reference date. A declaration by the first inventor Russell S. Dietz under 37 CFR 1.131 swearing behind U.S. Patent 6,483,804 is attached, together with several Exhibits to such declaration. The declaration and exhibit shows that prior to the reference date of March 1, 1999, the inventor conceived of the invention of independent claims 11, 29, and 54 of the present invention.

Furthermore, the declaration and exhibit shows that prior to the reference date of March 1, 1999, the inventor reduced to practice the invention of independent claims 11, 29, and 54 of the present invention. The invention of these claims functioned for its intended purpose by running the apparatus on a computer, and a program implementing the method on test data that was part of a node of a network.

Thus, the rejection of independent claims 11, 29, and 54 under 35 USC 102(e) is overcome. Withdrawal of the rejection and allowance of independent claims 11, 29, and 54 are respectfully requested.

Furthermore, the remaining claims 12–28, 30–53, and 55–59 are all dependent on these independent claims 11, 29, and 54. Thus, these claims are also allowable. Withdrawal of the rejection and allowance of claims 12–28, 30–53, and 55–59 are respectfully requested.

For these reasons, and in view of the above amendment, this application is now considered to be in condition for allowance and such action is earnestly solicited.

The Applicants believe all of Examiner's rejections have been overcome with respect to all remaining claims (as amended), and that the remaining claims are allowable. Action to that end is respectfully requested. If the Examiner has any questions or comments that would advance the prosecution and allowance of this application, an email message to the undersigned at dov@inventek.com, or a telephone call to the undersigned at +1-510-547-3378 is requested.

Respectfully Submitted,

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Date


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